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10
11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13

14 MIGUEL NAPOLES,

15 Plaintiff,

16 vs.

17 SYNCHRONY BANK; DOES 1-10
18 inclusive,

19 Defendants.
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Case No.: 2:17-cv-5608

[Removal from Superior Court of
California, County of Los Angeles, Case
No. **17K07953**]

**DEFENDANT SYNCHRONY
BANK'S NOTICE OF REMOVAL
PURSUANT TO 28 U.S.C. § 1441**

Action Filed: June 26, 2017

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT OF**
 2 **THE CENTRAL DISTRICT OF CALIFORNIA:**

3 **PLEASE TAKE NOTICE THAT**, pursuant to 28 U.S.C. §§ 1331, 1441
 4 and 1446, Defendant Synchrony Bank (“Synchrony”) hereby files a Notice of
 5 Removal for the above-captioned action from the Superior Court of the State of
 6 California for the County of Los Angeles to United States District Court for the
 7 Central District of California. In support of this Notice of Removal, Synchrony
 8 states as follows:

9 1. Synchrony is a named defendant in a lawsuit that was filed on
 10 June 26, 2017 in the Superior Court of Los Angeles County, California, styled
 11 *Miguel Napoles v. Synchrony Bank, et. al.*, No. 17K07953 (“State Court
 12 Action”).

13 2. On June 29, 2017, Plaintiff served Synchrony’s registered agent
 14 with the Complaint and Summons in the State Court Action, a copy of which is
 15 attached hereto as **Exhibit A**.

16 3. On July 26, 2017, Synchrony timely filed this Notice of
 17 Removal within 30 days of being served with the Complaint and Summons.
 18 See 28 U.S.C. § 1446(b).

19 4. Pursuant to 28 U.S.C. § 1446(a), **Exhibit A** attached hereto
 20 contains copies of all substantive records and proceedings from the state court
 21 filed by or served upon Synchrony.

22 5. The claims of relief alleged in the State Court Action arise under
 23 a federal statute, the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C.
 24 §227, *et seq.* This Court has original subject matter jurisdiction over the above-
 25 captioned action pursuant to 28 U.S.C. § 1331. See *Mims v. Arrow Fin. Servs.,*
 26 *LLC*, 132 S. Ct. 740, 748 (2012) (holding that TCPA claims plainly arise under

1 the laws of the United States).

2 6. To the extent that any other claims in this action may arise under
3 state law, supplemental jurisdiction over such claims exists pursuant to 28
4 U.S.C. § 1367.

5 7. This Court is the proper district court for removal because the
6 Los Angeles County Superior Court is located within the United States District
7 Court for the Central District of California.

8 8. In accordance with 28 U.S.C. § 1446(d), Synchrony will
9 promptly serve a copy of this Notice on counsel for Plaintiff and will file a copy
10 of the Notice with the Clerk of the Superior Court of Los Angeles County,
11 California.

12 9. There are no other cases related to the instant action, and
13 Synchrony has not attempted to remove this case previously.

14 10. By filing this Notice of Removal, Synchrony does not waive any
15 defense to the Complaint including, but not limited to, lack of service, improper
16 service, and/or lack of personal jurisdiction.

17 **WHEREFORE**, Defendant Synchrony Bank notices the removal of the
18 State Court Action to the United States District Court for the Central District of
19 California pursuant to 28 U.S.C. §§ 1331, 1441 and 1446.

20
21 DATED: July 28, 2017

Reed Smith LLP

22
23 By: /s/ Christine M. Neuharth
24 Christine M. Neuharth
25 Attorneys for Defendant
26 Synchrony Bank

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP, 1901 Avenue of the Stars, Suite 700, Los Angeles, CA 90067-6078. On July 28, 2017, I served the following document(s) by the method indicated below:

DEFENDANT SYNCHRONY BANK'S NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1441

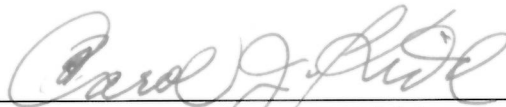
- ☒ by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below. A copy of the consignment slip is attached to this proof of service.
- ☒ by transmitting via email to the parties at the email addresses listed below:

SERVICE LIST

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Adrian R. Bacon
Tom Wheeler
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Woodland Hills, CA 91367
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Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on July 28, 2017, at Los Angeles, California.



Carol J. Kidd

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